

1 BY MR. BECKNER:

2 Q Exhibit 35 is a memo from Behrooz Nourain to
3 Edward Milstein dated April 26th. Do you have that in front
4 of you?

5 A Yes, I do.

6 Q Okay. The question is that particular memo either
7 with or without the handwriting that's on it do you recall
8 seeing that before today?

9 A This looks like it might be the memo to which I
10 was referring.

11 Q The one that you were referring to that was at the
12 meeting?

13 A Correct.

14 Q Okay. Was this handed around, you know, by
15 someone at the meeting to you and the other participants?

16 A I don't really recall.

17 Q But I take it that before you showed up for the
18 meeting you did not have this memo, is that correct?

19 A I don't believe I did. And I'm not shown as being
20 a recipient.

21 Q I mean you didn't receive a copy of it say from
22 Mr. Lehmkuhl for example?

23 A No I don't believe so. And he's not shown as a
24 recipient either.

25 Q Now the second sentence in the memo says "In order

1 to be able to turn on current customers the Special
2 Temporary Authority is being filed by our FCC attorney,
3 Pepper & Corazzini for the following paths." Was -- was --
4 do you recall reading that at the time of the meeting, that
5 sentence in this memo?

6 A No I don't recall focussing on that.

7 Q Do you recall knowing at the time of the meeting
8 that -- that STA applications or STA requests were -- were
9 under preparation by your firm?

10 A Yes.

11 Q Okay. Now again going back to the conference call
12 in the meeting in Mr. Rivera's office, I think you said that
13 Mr. Price furnished some addresses over the phone to the
14 group of you on the call. Is that right?

15 A That's my recollection.

16 Q Okay. Do you know if those addresses were
17 different than the ones that are on this memo that's been
18 marked as Exhibit 35?

19 A No I don't know.

20 Q I mean -- I mean do you recall looking down at the
21 memo while he was giving the address and seeing that it was
22 on the paper or seeing that it wasn't on the paper?

23 A Could you ask that again?

24 Q Excuse me?

25 A Could you ask that again?

1 Q Okay. Do you recall as Mr. Price was -- was
2 giving you addresses over the telephone your looking down at
3 this memorandum and noticing that the addresses he was
4 giving you either were or were not on the piece of paper you
5 were looking at?

6 A No I think he was working off of this memo.

7 Q Okay. So he was reading addresses to you that you
8 were looking at on the paper at the same time? Is that
9 right?

10 A I think so. Yeah.

11 Q All right. And then -- was one of the questions
12 that you discussed in the call how to handle the STA
13 requests for these -- these addresses that are on this memo?

14 A I'm not sure that was addressed at that time. I
15 don't specifically recall.

16 Q Okay. Was the subject of STA requests something
17 that was discussed during the April 27th conference call?

18 A I think so, yes.

19 Q In a general way can you tell us what was said
20 about STA requests?

21 A I don't have a specific recollection. I think it
22 was -- we discussed the fact that we were preparing STAs as
23 a means to possibly obtain temporary authorization pending
24 the outcome of Time Warner's allegations.

25 Q Was there any discussion about the efficacy of

1 filing STA requests under that particular set of
2 circumstances?

3 A I think we couldn't give Liberty any guarantee or
4 assurance that the STA requests would be acted upon
5 favorably.

6 Q Okay. But my question was, was that -- was the
7 likely outcome of the request something that was discussed
8 in this April 27th conference call?

9 A The likely outcome of the STAs?

10 Q Yeah. I mean -- was something --

11 A Possibly that was discussed. I really don't have
12 a specific recollection.

13 Q Okay. Was the subject of whether or not the STA
14 requests which you said you knew were being prepared, should
15 or should not include anything about premature activation?
16 Was that something that was discussed at this April 27th
17 conference call?

18 A To the extent that no one knew the full scope of
19 the problem, I'd say yes.

20 Q Well was there --

21 A In terms of --

22 Q Was it discussed as to -- let me just back up.
23 There is no particular deadline is there by which an STA
24 request must be filed?

25 A Well that's true.

1 Q In other words you, you know, can file one even
2 before you file an application correct?

3 A True.

4 Q And you can file one with an application?

5 A True.

6 Q And you can file one three months after an
7 application has been filed?

8 A Equally true.

9 Q Okay. So was there consideration given to the
10 idea that you would wait to file the STA requests until you
11 knew what the dimensions of the premature activation problem
12 were?

13 A I don't really recall. I'm sure it was discussed,
14 but I don't have a specific recollection. Again, several of
15 us were working on -- on the STAs. We were drafting them,
16 but they were subject to approval by other counsel that were
17 working on the case, specifically people from the Ginsberg
18 firm and people from the Constantine firm.

19 Q Okay. Well it's -- it's a matter of record that
20 the STA requests were filed on May 4th which if you allow
21 two days off for the weekend is just a few business days
22 after this conference call. And you were aware of that were
23 you not?

24 A Aware of?

25 Q That the STAs request were filed on May 4th?

1 A Right.

2 Q Okay. And --on May 17 you filed a surreply which
3 disclosed to the Commission the existence of these various
4 prematurely activated paths, correct?

5 A That's true.

6 Q All right. Was there any reason why the STA
7 request that were filed on May 4th couldn't have been filed
8 on May 17th?

9 A I suppose not.

10 Q Now with respect to the surreply which was filed
11 on May 17th, was that as far as, you know, the earliest date
12 by which Liberty was able to collect information to its own
13 satisfaction about this premature operation?

14 A I think it was. I think there was a concern that
15 there were perhaps other sites that to which service had
16 commenced. And so the, you know, the need for an
17 investigation was I think a little broader than the
18 commencement of service to the dozen or more paths that were
19 identified in the meeting of the 27th. And that's one of
20 the items that needed to be investigated.

21 So I think, yes.

22 Q So one of the items that needed to be investigated
23 is whether or not there were additional paths in addition to
24 the ones that are identified on this Exhibit 35 that were
25 also operating without authority?

1 A Correct. Was there a problem and what was the
2 full scope of the problem.

3 Q All right. And and I think you've already said
4 and I'm just trying to summarize here, so forgive me for
5 being repetitive. I think you've already said that another
6 thing that the group wanted to do is in addition to
7 determining what paths were operating without authority, was
8 also to make some effort to determine why and how this had
9 happened. Correct?

10 A That's true.

11 Q And that was going to take some time.

12 A That's true.

13 Q Okay. Okay I'd like to ask you to take a look at
14 oh strike that. Let's just stay with the meeting a second
15 longer.

16 The conference call -- the April 27th conference
17 call and meeting. Did the three lawyers continue to meet
18 after the telephone conversation with Mr. Price ended?

19 A I think it broke up shortly thereafter.

20 Q Okay. And do you remember approximately how long
21 the entire meeting and conference call took?

22 A No I don't specifically recall.

23 Q Okay. At the end of the meeting, what if anything
24 were you supposed to do?

25 A We were preparing the STAs.

1 Q Were you supposed to -- do anything in conjunction
2 with this either an investigation into whether or not there
3 were additional paths that were operating without licenses
4 beyond the ones on the memo?

5 A No again it was my understanding given that all of
6 the relevant information was in New York, that people in New
7 York were going to make those inquiries.

8 Q Okay. Do you remember whether or not you may have
9 advised Mr. Price on the telephone call that -- that either
10 he or Mr. Nourain should have in their files a copy of the
11 latest inventory that Mr. Lehmkuhl had prepared?

12 A I don't think I specifically directed him to that
13 item, no.

14 Q Okay. Do you recall whether or not he -- he asked
15 you to supply him with the current inventory of licenses and
16 applications?

17 A I don't specifically recall.

18 Q Okay. Were you supposed to do anything in
19 conjunction with the investigation into how it was that
20 Liberty came to be operating paths without licenses or other
21 authority?

22 A No again, the people in New York were to make
23 those inquiries.

24 Q Okay. Now when you say the people in New York, do
25 you mean the Liberty people, or the Constantine firm or

1 both?

2 A I think Liberty possibly with Mr. Constantine's
3 assistance.

4 Q Okay. Okay I'd like you to turn to Exhibit 34.
5 Time Warner Cablevision Exhibit 34 in the notebook. And
6 that's just to make sure you have the right thing, that's
7 the memorandum from Mike Lehmkuhl to Behrooz Nourain with a
8 CC to Peter Price dated April 28th.

9 A Right.

10 Q Okay. If you want to take a few minutes to look
11 at it, go ahead. I want to ask you a few things about it.

12 JUDGE SIPPEL: Off the record. On the record.

13 BY MR. BECKNER:

14 Q Okay Mr. Barr the first question I'd like to ask
15 you is whether or not you reviewed this memorandum, you
16 know, either in draft or final form before it went it?

17 A It's likely I reviewed it in draft before it went
18 out.

19 Q Okay. And -- and again I'd already asked you
20 whether or not you were directed at the close of the
21 conference call on the 27th to prepare an updated list of
22 application status. Does this memorandum -- seeing this
23 memorandum refresh your recollection at all about that?

24 A Not -- not particularly because it's addressed to
25 Behrooz with a copy to -- Behrooz Nourain with a copy to

1 Peter Price. And it says you have asked me to prepare a
2 summary of the status.

3 Q No that's not I mean I was just asking you if
4 refreshed your recollection or not.

5 A I was saying why it didn't refresh my
6 recollection.

7 Q Yeah okay. The third paragraph Mr. Lehmkuhl
8 writes that Howard Barr and I have inquired about the
9 possibility of getting Special Temporary Authority,
10 etcetera. And if you refer to your billing records that
11 have been marked as Exhibit 44, you have on the 28th a time
12 entry for a telephone call from Joel Marcus and Jeff Lanning
13 re: petitions.

14 Was -- was that -- was that telephone call the
15 inquiry that you were referring to in this memoran -- or
16 that Mr. Lehmkuhl was referring to in this memorandum?

17 A No I don't believe it -- I don't believe it was.

18 Q Okay. Do you recall whether or not you in fact
19 made the inquiry that Mr. Lehmkuhl's referring to in the
20 third paragraph of this memorandum?

21 A I don't really recall.

22 Q Do you recall looking at your time entry what you
23 would have discussed with Joel Marcus and Jeff Lanning?

24 A Well it says re: petitions. I believe there was
25 some misinformation that -- that they might have been

1 working on the petitions and it was a call I think to
2 confirm or deny that.

3 Q Well did I mean -- I mean you said there was
4 misinformation. Do you mean that -- you received
5 information they were working on the petitions which turned
6 out to be not correct?

7 A True.

8 Q Okay. And that's what you discovered as a result
9 of this call?

10 A True.

11 Q Okay. Is -- is Mr. Marcus with the Wireless
12 Bureau?

13 A I'm not sure where he's with.

14 Q Okay. What about Mr. Lanning?

15 A I'm not really sure. I think they might have been
16 with the General Counsel's office.

17 Q Did you discuss this memo that's been marked as
18 Exhibit 34 with Mr. Lehmkuhl before it went out or
19 afterwards?

20 A It's possible that I did. I often have comments
21 on memos or items that he drafts. So again it's possible
22 that I did.

23 Q Okay. Well you've -- I like you just to read
24 paragraph three if you haven't already. And the question
25 I'd like you to answer for us is whether or not you believe

1 that the information given in paragraph three is correct or
2 not?

3 A I think it's correct.

4 Q Okay. But -- but I take it that you still can't
5 remember when you personally discussed with staff about the
6 possibility of getting STA requests for pending applications
7 that have been filed more than two months ago?

8 A No I don't -- I don't really specifically recall
9 that.

10 Q Okay.

11 A And --

12 Q The last sentence of the paragraph says "we feel
13 that such a request should be owing to the seriousness of
14 the situation". Do you concur in that -- in that statement?

15 A Do I concur that it was written?

16 Q No no do you concur that -- that -- that that
17 statement accurately reflects what your views were as of
18 April 28, 1995 on this subject?

19 A Right that we should proceed with the STA request.

20 Q Okay. And do you recall whether or not this --
21 this term "the seriousness of the situation" was something
22 that came to your attention when you looked at this on April
23 28th 1995 if you did look at it?

24 A I don't think so.

25 Q All right. The next paragraph refers to a

1 processing time table for future applications. Do you have
2 any idea why that subject was brought up in this memorandum?

3 A Apparently because whoever asked for the
4 memorandum asked for the time table.

5 Q Okay. But aside from what is said here, you have
6 no knowledge as to why this subject is being discussed in
7 this memorandum?

8 A No.

9 Q Do you know if anybody else saw this memorandum in
10 draft other than yourself?

11 A I don't believe so.

12 Q Okay. What was -- I think you testified earlier
13 that certain things were circulated to the Constantine firm
14 and the Rivera firm in draft before they went out. I think
15 you mentioned the STA requests in particular. If you can
16 tell us what other kinds of things were sent out in draft
17 for review by other lawyers than those in your firm?

18 A Just about everything that we filed in this
19 matter, save for perhaps the early responses. Or the --
20 maybe the first opposition. I think other than that by and
21 large just about every piece of paper that we generated in
22 connection with this was circulated amongst other counsel.

23 Q Do you know if this memorandum that's been marked
24 as Exhibit 34 was circulated either in a draft or a final
25 form among other counsel?

1 A I don't know.

2 Q Now as far as you know is the list of buildings
3 that's attached to the memorandum was that your firm's best
4 list in terms of, you know, definitive list of pending
5 applications as of the 28th of April, 1995?

6 A I -- I don't know. I would have to assume the
7 accuracy of it. I didn't make an independent investigation
8 as to the accuracy of the list. I relied on Mr. Lehmkuhl
9 for that.

10 Q Okay. Okay I'd like you to take a look at your
11 time records again. And if you'd go back to the page that
12 has the second half of April 1995 on it which is page
13 marked 17502.

14 A Yes.

15 Q Okay. You have a time entry here on the 28th
16 indicating revised STA requests. Do you recall anything of
17 what you did in connection with that work?

18 A I think I revised a draft STA request.

19 Q Okay. And then if you turn two pages to page
20 marked 17505 which is the statement for the month of May,
21 1995, there's an additional entry for May 1st work re: STA a
22 half an hour. Do you recall anything about what you did on
23 the STA in that period?

24 A It appears a fairly brief review of the request of
25 another draft of the request.

1 Q Okay. Now of course this -- these were multiple
2 requests were they not?

3 A Right.

4 Q Okay. And were you working off of one kind of a
5 form document that you would then use for each of the
6 various paths?

7 A I believe so, yes.

8 Q Okay. And -- and were you reviewing in essence
9 what I'm going to call the form document, that is the
10 document that had language that was common to all the
11 requests?

12 A It's likely yeah. I can't say for certain, but.

13 Q Was it your understanding the requests were going
14 to be filed for the -- the paths indicated in Mr. Lehmkuhl's
15 memo of April 28th? That's Exhibit 34 you just looked at.

16 A Again I think I had the understanding that Liberty
17 was going to pursue STAs but I don't believe the intention
18 was to seek STA for every single building for which Liberty
19 had applied.

20 Q Okay. Well that's -- what about the buildings on
21 the list that -- that is Exhibit 35, that is the April 26
22 memo from Behrooz Nourain to Ed Milstein?

23 A I assume that those fell within the category of
24 buildings for which STA would be sought.

25 Q Okay. And those were the buildings that in the

1 phone call Mr. Price indicated were receiving service from
2 Liberty?

3 A Right.

4 Q Okay.

5 A Again, assuming the need for STA.

6 Q Your Honor, you had indicated earlier you wanted
7 to break at 12:15. I'm ready to move to a different
8 document and I don't think I'll finish up by 12:15. So if
9 you don't mind breaking a few minutes early this is a
10 natural time to do it.

11 JUDGE SIPPEL: Anybody have any objection to that?
12 All right let's go off the record for just a minute.

13 (Off the record at 12:04 p.m.)

14 JUDGE SIPPEL: We'll be in recess in lunch 'til
15 1:15.

16 (Whereupon, at 12:05 p.m., the hearing in the
17 above-entitled matter was recessed for lunch.)

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1 A F T E R N O O N S E S S I O N

2 JUDGE SIPPEL: Good afternoon Mr. Barr, you're
3 still under oath. Mr. Beckner?

4 CROSS EXAMINATION (RESUMED)

5 BY MR. BECKNER:

6 Q All right, Your Honor. I'm sorry, I'm -- Mr.
7 Barr, before we move on, there's one or two things that I
8 want to clarify. I think you testified with respect to the
9 August -- I'm sorry, the April 27th telephone conference
10 call that when you heard or saw these addresses Mr. Price
11 was giving you, you recognized that some of them that, at
12 least some of them were unlicensed locations, is that right?

13 MR. SPITZER: Objection. I don't think that was
14 his testimony. Now if he wants to ask him the question --

15 JUDGE SIPPEL: I'll sustain the objection.

16 BY MR. BECKNER:

17 Q When Mr. Price gave you the addresses that you
18 testified about during the April 27th conference call did
19 you or did you not recognize that those addresses the
20 subject of pending applications as opposed to grants?

21 A I think I had an awareness that those were subject
22 to the petitions.

23 Q Okay. And and --

24 A But at any given time, you know, I couldn't just
25 off the top of my head tell you what -- what site was

1 granted pending -- to be applied for.

2 Q So can you all right. Can you tell us where this
3 awareness came from, if you know?

4 A No, I don't really recall.

5 Q Did you conclude from looking at the -- the
6 memorandum which has been marked as Exhibit 34 that -- that
7 the sites were not authorized, or did you conclude that from
8 some other source?

9 A Excuse me Exhibit 34?

10 Q I'm sorry that's 35. My mistake.

11 JUDGE SIPPEL: You have 35?

12 THE WITNESS: Yes, I do, Your Honor. 35 doesn't
13 convey that information. You would have to look to a
14 different list or inventory to match up the status of the
15 sites.

16 BY MR. BECKNER:

17 Q But I take it your testimony is that with respect
18 to the April 27th conference call you didn't have any other
19 such list or inventory with you at the time of the call?

20 A I don't believe I did, no.

21 Q All right. I'd like you to take a look at what's
22 been marked as Exhibit 17, Time Warner Cablevision Exhibit
23 17 in the notebook there. This is I believe all of the
24 requests for STAs that were filed by Liberty on May 4th
25 1995. You can take whatever time you want to look through

1 them. But I'm only going to ask you about the initial pages
2 of the first one.

3 JUDGE SIPPEL: You may start your questioning. If
4 the witness needs time to read, we'll stop and wait.

5 MR. BECKNER: All right, that's fine.

6 BY MR. BECKNER:

7 Q I'd like to direct your attention to page 004 of
8 the Exhibit. If you notice in the bottom right corner there
9 are small three digit numbers that identify each page of the
10 Exhibit.

11 A Those numbers don't appear on the first two pages,
12 but the third page is 003, the fourth page is 004.

13 Q I can't explain to you why that is. But in any
14 event the page I'd like you to look at is at the top of the
15 page the paragraph begins after carefully reviewing the
16 record. Do you have that page in front of you, sir.

17 A Yes.

18 Q All right. I want to ask you specifically about
19 the language that begins in the paragraph at the very bottom
20 of the page and that carries over to the following page.
21 Was that language that you recall working on when you were
22 working on these STAs in draft?

23 MR. SPITZER: Can I just clarify -- is he talking
24 about -- Mr. Beckner are you referring to the entirety of
25 the last paragraph?

1 MR. BECKNER: Yes.

2 MR. SPITZER: Commission action and open.

3 MR. BECKNER: That's correct.

4 JUDGE SIPPEL: Well let's go off the record so he
5 can read the whole paragraph for himself.

6 BY MR. BECKNER:

7 Q Mr. Barr I'm going to ask you about the paragraph
8 that follows, that is the one that begins at the top of page
9 005 a series of occurrences so if you want to take time to
10 do that as well please do so.

11 JUDGE SIPPEL: All right let's go off the record.
12 Back on the record.

13 BY MR. BECKNER:

14 Q All right the question is do you recall working on
15 either of these two paragraphs that I've directed your
16 attention to?

17 A I reviewed the entire STA request.

18 Q Okay.

19 A So to that extent I would have worked on it.

20 JUDGE SIPPEL: Let him finish his answer Mr.
21 Beckner.

22 Q I'm sorry. Have you finished your answer, sir?
23 I'm sorry.

24 A Yes, I am.

25 Q Do you know whether or not these two paragraphs

1 were in a draft that was sent out for review by the other
2 lawyers who you identified, the other law firms that you
3 identified as working on these matters?

4 A I don't recall.

5 Q Based on the custom and practice that you've
6 testified to, that is the drafts of things that were
7 circulated among the Constantine firm and the Ginsberg
8 Feldman firm, would it have been your firm's practice to
9 have sent this document on draft to those firms?

10 A Yes, I believe so.

11 Q Okay. And would one of the purposes for having
12 those firms review it would be for them to concur in the
13 statements that are made in the pleading?

14 A Yes.

15 Q Okay. Do you know where the -- the 30 days number
16 came from? It's at the top of page 005?

17 A Not specifically, no.

18 Q Well do -- I mean do you have any general idea of
19 where it came from?

20 A Generally I would say it came from Liberty.

21 Q But you're not aware why the -- the statement here
22 is 30 days as opposed to some other period of time either
23 greater or lesser?

24 A No.

25 Q All right. Do you remember actually writing any

1 of this material that's in these pages three through six of
2 the exhibit, by writing I mean actually writing it for the
3 first time as opposed to reviewing it as written by someone
4 else.

5 A No, I can't say specifically what's mine and
6 what's somebody else's.

7 Q Is any of it originally yours?

8 A Originally?

9 Q Yes. In other words in the very first draft of
10 this document, did you write any portions of that first
11 draft?

12 A No Mr. Lehmkuhl wrote the first draft.

13 Q Okay. And did you write any inserts, you know, of
14 more than a sentence to the draft?

15 A I don't recall.

16 Q I mean typically did you -- did you edit Mr.
17 Lehmkuhl's work very heavily or just lightly?

18 A Depends on the -- the product that's given to me.

19 Q Okay.

20 A I've had occasion to heavily edit and I've had
21 occasion to say it looks fine.

22 Q With respect to this particular STA request, do
23 you recall whether or not you edited this for Mr. Lehmkuhl's
24 heavily or lightly?

25 A I seem to recall thinking that he did a pretty

1 good job and that I didn't heavily edit it.

2 Q Now when the drafts were sent out to the other law
3 firms, did their comments come back to you or did they come
4 back to Mr. Lehmkuhl?

5 A If it were a pleading, that I were working on the
6 comments came back to me. It's likely that they came back
7 to me with respect to an STA request though I can't say that
8 with as much conviction as I can with respect to a pleading.

9 Q With respect to this particular STA request that
10 you're looking at, do you recall whether or not there were
11 any comments from either the Constantine firm or the
12 Ginsberg Feldman firm?

13 A I seem to recall there were some -- I have a
14 better recollection of comments from the Ginsberg firm
15 though it's likely there were some comments from the
16 Constantine firm as well.

17 Q Okay. Do you recall whether or not changes were
18 made as a result of those comments?

19 A Yes, I think so.

20 Q Okay. And can you point to us any particular
21 paragraphs or any area where changes were made as a result
22 of the comments?

23 A No I can't specifically.

24 Q Okay. And with respect to the two paragraphs that
25 I directed your attention to earlier, that is the one that

1 begins on the bottom of page four and carries over to the
2 top of page five and the one thereafter, do you recall
3 whether or not either of the other firms had comments about
4 either of these two paragraphs?

5 A I don't recall.

6 JUDGE SIPPEL: Are we finished with the editing
7 questions, now I mean can we move on?

8 MR. BECKNER: Yes, sir.

9 BY MR. BECKNER:

10 Q There was a -- there was an STA request filed for
11 another path later on in the month of May. I think it was
12 for 2727 Palisades. Do you recall being involved in
13 reviewing or editing that request as well?

14 MR. SPITZER: Your Honor, it just may assist if he
15 had a document or a date or something more than a general
16 question.

17 JUDGE SIPPEL: Yeah let's get a document. Off the
18 record. Let's go back on the record. He has the document
19 now Mr. Beckner.

20 BY MR. BECKNER:

21 Q Okay with respect to this particular STA request
22 that's been marked as Exhibit 38, first do you recall
23 whether or not you reviewed this request in draft form?

24 A I don't have a specific recollection.

25 Q Based on your practice at the time, would it have

1 been your practice to have reviewed this in draft form?

2 A Based upon my practice, it's likely that I did,
3 yes.

4 Q Okay. And based on your practice would this STA
5 request likely have been circulated among the Constantine
6 firm and the Ginsberg Feldman firm for review?

7 A I think so, yes.

8 Q All right.

9 JUDGE SIPPEL: This document identifies the
10 building as 2600 Netherland Avenue. And your reference was
11 to the 2727 Riverside. I think we had a clarification on
12 that earlier, but I want to be sure --

13 MR. WEBER: Your Honor -- the 2600 Netherland
14 Avenue would be the transmitter site not the receiver site.
15 And then 2727 Palisades is the receiver.

16 MR. SPITZER: Is it indicated in the document
17 somewhere?

18 MR. WEBER: You can tell by the file number.

19 MR. SPITZER: Oh I see okay. But it's not in the
20 document.

21 JUDGE SIPPEL: The document -- the document
22 identifies the location of the microwave station at 2600
23 Netherland Avenue. And the station is the transmitter.

24 MR. SPITZER: But 2727 is not in here?

25 MR. HOLT: We also clarified that it refers to the